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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 BRETT COMBS,

14 Defendant.
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Case No. 2:10-CR-00173-KJD-RJJ

ORDER

16 Before the Court are Defendant Brett Combs' ("Defendant") Motions 1) for Leave to Proceed
17 in forma pauperis (#171); 2) to Discharge Counsel and Obtain File, or in the Alternative, Keep
18 Counsel on Case to Provide Supplemental Brief (#173).

19 The Court notes that Defendant is *pro se*, meaning that his submissions to the Court are "to
20 be liberally construed, and . . . however inartfully pleaded, must be held to less stringent standards
21 than formal pleadings drafted by lawyers." Erickson v. Pardus, 551 U.S. 89, 94 (2007) (citations and
22 internal quotation omitted).

23 **I. In Forma Pauperis**

24 As for Defendant's Motion to proceed in forma pauperis (#171), there is no filing fee for
25 bringing a claim under 28 U.S.C. § 2255. See Rule 3, Rules Governing § 2255 Proceedings,
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1 Advisory Comm. Notes (1976). Accordingly, Defendant's Motion for Leave to Proceed in forma
2 pauperis (#171) is **HEREBY DENIED** as moot.

3 II. Discharge Counsel and Obtain File, or in the Alternative, Keep Counsel

4 As noted above, Defendant is *pro se*, making moot his petition to either discharge or keep
5 counsel. However, the Court **HEREBY ORDERS** Todd M. Leventhal to provide Defendant's file to
6 him, to the extent Mr. Leventhal has not already done so. Accordingly, Defendant's Motion to
7 Discharge Counsel and Obtain File, or in the Alternative, Keep Counsel on Case to Provide
8 Supplemental Brief (#173) is **GRANTED** in part and **DENIED** in part, congruent with the
9 discussion above.

10 DATED this 9th day of October 2013.

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14 Kent J. Dawson
15 United States District Judge
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